



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.114

TA-815-2024

Date of Decision: 14.10.2024

RUPIKA CHHABRA

....Applicant

Versus

DIVIJ DHIR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. C.M. Munjal, Advocate for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/366/2024, titled ‘*Divij Dhir Vs. Rupika Chhabra*’, filed by the respondent-husband, pending in the Family Court, Jalandhar and she seeks transfer of the same to the Court of competent jurisdiction at Malout, District Sri Muktsar Sahib.

Respondent has not made appearance, despite service. As such, he is proceeded against *ex parte*.

Learned counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage had taken place between the parties to the lis, on 24.04.2021, but no child was born from the said wedlock. On account of the matrimonial discord, the parties are residing separate. The applicant has filed the petition under the Protection of Women from Domestic Violence Act bearing No.1198/2024, which is pending in the Courts at Malout, District Sri Muktsar Sahib. Even, the complaint under Section 406/498-A IPC i.e.



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Filing No.1197/2024, has been filed by the applicant and the same is also pending in the Courts at Malout. It is submitted that the respondent has made appearance in the petition under the Protection of Women from Domestic Violence Act and the same is now fixed for recording of evidence. The applicant is not having independent source of earning. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 200 kilometres, to defend the divorce petition, filed by the respondent-husband.

Keeping in view the submissions made by the counsel for the applicant and also considering the settled position of law about weightage to be given to the convenience of the wife, in the transfer applications relating to the matrimonial dispute, the application is hereby accepted and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/366/2024, titled '*Divij Dhir Vs. Rupika Chhabra*', filed by the respondent-husband, stands transferred from the Family Court, Jalandhar, to the Court of competent jurisdiction at Malout, District Sri Muktsar Sahib. The requisite record of the aforesaid case be sent by the Family Court, Jalandhar, to the District and Sessions Judge, Sri Muktsar Sahib.

Learned District and Sessions Judge, Sri Muktsar Sahib, shall assign the said petition to the Family Court (Camp Court) Malout. Even, the parties are directed to appear before the Family Court (Camp Court) Malout, within a period of one month from today onwards.

14.11.2024

Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No